

SENATE BILL No. 6

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-2-156.5; IC 36-8-16.5-51.

Synopsis: Disclosure of cell phone location information. Requires a commercial mobile radio service (CMRS) provider to disclose in an emergency situation the automatic location identification of a subscriber to the subscriber or a law enforcement officer upon request. Provides immunity from civil liability for good faith disclosures of information by CMRS providers.

Effective: July 1, 2007.

Ford

January 8, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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SENATE BILL No. 6



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-2-156.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: **Sec. 156.5. IC 36-8-16.5-51**
4 **(Concerning commercial mobile radio service providers for**
5 **disclosure of automatic location identification or automatic**
6 **number identification information to a subscriber or law**
7 **enforcement officer).**

8 SECTION 2. IC 36-8-16.5-51 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2007]: **Sec. 51. (a) This section applies to a**
11 **CMRS provider that provides CMRS to a subscriber.**

12 **(b) A CMRS provider shall disclose a subscriber's automatic**
13 **location identification and automatic number identification**
14 **information:**

- 15 **(1) to the subscriber or a law enforcement officer upon**
- 16 **request; and**
- 17 **(2) only to permit a response to a police, fire, medical, or**



1 **other emergency situation.**
2 **This subsection does not affect the written policy of a CMRS**
3 **provider concerning the disclosure of a subscriber's automatic**
4 **location identification or automatic number identification**
5 **information in a nonemergency situation.**
6 **(c) A CMRS provider that discloses information in good faith**
7 **under subsection (b) is immune from civil liability for disclosing**
8 **the information. This subsection does not apply to acts or omissions**
9 **amounting to gross negligence or willful or wanton misconduct.**

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